

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARLIN BRANDT POHLMAN,

Plaintiff,

v.

3:14-cv-1483-PK

DR. CHRISTOPHER DIGULIO, DR.
DANIELLE FUZI, OFFICER JOHN SMITH,
NURSE CARTER, NURSE K.
RICHARDSON, NURSE LANDAVERDE,
NURSE CLEMENTS, JOE CAPPS, MARK
NOOTH, and STATE OF OREGON

OPINION AND ORDER

Defendants.

PAPAK, Magistrate Judge:

Plaintiff Marlin Brandt Pohlman filed this *pro se* action *in forma pauperis* on September 17, 2014. Now before the court is Plaintiff's "Motion to Add Supplemental Parties and Joinder of Same" (#52, #53) ("Plaintiff's Motion to Amend"). Plaintiff seeks to amend his Complaint to join James Taylor as a defendant to claims four and six. Plaintiff further seeks to join M. Nooth, J. Gilmore, and J. Miller as defendants to claim four. For the reasons provided below, Plaintiff's Motion to Amend is granted in part and denied in part.

DISCUSSION

I have already dismissed Plaintiff's fourth claim for relief. *See* Opinion and Order 18-19 (#72). Therefore, Plaintiff's Motion to Amend is denied as moot to the extent it seeks to join Taylor, Nooth, Gilmore, and Miller as defendants to claim four.

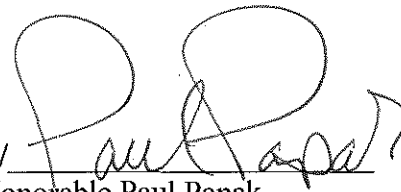
However, I have also previously determined that Plaintiff's sixth claim for relief is viable on its face. *See id.* Plaintiff now seeks to join Taylor as a defendant to that claim. In support, Plaintiff offers a letter from Taylor, which Plaintiff contends is evidence of Taylor's liability.

Defendants accurately note that Plaintiff failed to attach a proposed amended complaint to his Motion to Amend. *See* LR 15(d). However, in light of Plaintiff's status as a *pro se* litigant, I excuse this procedural defect. I find that the substance of Plaintiff's Motion to Amend and the attachments thereto provided Defendants with an adequate basis upon which to respond to the Motions. Therefore, Defendants are not prejudiced by Plaintiff's procedural failure. Plaintiff's Motion to Amend is granted to the extent it seeks to join Taylor as a defendant to claim six.

CONCLUSION

For the reasons provided above, Plaintiff's Motion to Amend (#52, #53) is granted in part and denied in part. Plaintiff's request to join additional defendants to claim four is denied as moot. Plaintiff's request to join James Taylor as a defendant to claim six is granted. Plaintiff is granted 30 days from the date of this Order to file an amended complaint joining Taylor as a defendant to claim 6. Defendants are granted 21 days from the date of service of Plaintiff's amended complaint to file an Answer thereto. All pretrial, discovery, and dispositive motions are due by June 9, 2016.

Dated this 20th Day of January, 2016.


/s/ Paul Papak
Honorable Paul Papak
United States Magistrate Judge